

**LESLIE ANN MAXFIELD**  
Claimant

**PRAIRIE SUNSET HOME, INC.**  
Respondent

**KANSAS ASSOC. OF HOMES FOR THE AGING  
INSURANCE GROUP, INC.**  
Insurance Carrier

## ORDER

## ISSUES

- ## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for the purpose of preliminary hearing, the Appeals Board finds as follows:

The Appeals Board finds for preliminary hearing purposes that the Order granting claimant ongoing medical treatment with the potential for temporary total disability compensation if taken off work should be affirmed.

Claimant has alleged a series of accidents arising out of and in the course of her employment. The testimony elicited indicates three separate incidents when she suffered injury to her low back. The Appeals Board acknowledges the evidence indicating that claimant suffered an accidental injury in June 1996 is heavily contradicted by respondent. The testimony that claimant was not working for respondent after June 6, 1996, would eliminate the possibility of an injury occurring on the 10th, 11th, or 12th of June. Therefore, the Appeals Board finds claimant has not carried her burden with regard to that date of accident.

However, claimant testified to incidents in April and May 1996 when she was working with patients at respondent's nursing home. This testimony is, for the most part, uncontradicted. Respondent provided no testifying witness to contradict claimant's allegations of injuries or claimant's allegations that she advised her supervisors on both occasions of the injuries.

The Appeals Board acknowledges the testimony and the evidence provided by claimant is at times contradictory but, for preliminary hearing purposes, the Appeals Board finds it sufficient to allow claimant the benefits requested.

It is noted that claimant was unable, by her testimony at the preliminary hearing, to connect the neck and upper back to this injury sequence. Therefore, claimant's entitlement to benefits is limited to her low back for the injuries suffered in April and May 1996.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Bruce E. Moore granting claimant medical treatment, with the respondent to provide claimant a list of three qualified physicians from which claimant should designate the authorized treating physician and denying temporary total disability compensation unless claimant is taken off work by the authorized treating physician should be, and is hereby, affirmed for the injuries occurring in April and May 1996. The Order of the Administrative Law Judge granting benefits for the alleged injury in June 1996 is reversed and benefits are denied for this alleged injury.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of September 1997.

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BOARD MEMBER

c: Roger A. Riedmiller, Wichita, KS  
Jeffrey A. Chanay, Topeka, KS  
Bruce E. Moore, Administrative Law Judge  
Philip S. Harness, Director